

REMARKS

Claims 1-25 are pending in the application.

Claims 1-17 have been rejected.

Claims 18-25 have been allowed.

Claims 2-10, 13, 18, 19, 23, and 25 have been amended to correct minor informalities.

The specification has been amended to correct minor informalities.

No new matter has been added.

Reconsideration of the Claims is respectfully requested.

1. Objection to the Specification

The abstract of the disclosure was objected to because it was not within the range of 50 to 150 words. The specification has been amended accordingly.

2. Rejection under 35 U.S.C. § 102(a)

Claims 1-17 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Pub. No. 2002/0167961 to Haartsen (hereinafter "Haartsen"). Applicant traverses this rejection and requests reconsideration of its claims.

For establishing anticipation, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." MPEP 2131 at p. 2100-73 (Rev. 2, May 2004) (citations omitted).

Applicant respectfully submits that Haartsen does not anticipate Applicant's claimed invention. Haartsen relates to "bandwidth allocation in a network controlled by a central traffic scheduler, and to methods and embodiments of a scheduling algorithm that improves throughput of asynchronous services." (Haartsen ¶ 0002).

Generally, Haartsen is an asynchronous throughput improvement device that operates on a priority and adjustable-polling principles. In Haartsen, "the master dynamically adjusts the polling interval of the slaves. Depending on requested throughput, prioritization and maximal latency, the initial interval parameters of the polling mechanism are set. The polling interval parameters are then dynamically adjusted to adapt to instantaneous traffic conditions [such as the

presence or absence of data by a slave].” (Haartsen ¶¶ 0034, 0060 (emphasis added); *see also* Haartsen ¶ 0045).

In contrast, Applicant’s Claim 1 recites a “wireless transceiver device, comprising: memory for storing synchronous and non-synchronous data; and circuitry defining logic for determining whether transmission of non-synchronous data packets may be initiated without conflicting with a packet of synchronous data that is to be transmitted in the future.”

Also, Applicant’s Claim 6 recites a “method for determining whether to initiate non-synchronous event transmission, comprising: determining whether a synchronous event is scheduled for transmission during a present defined time period; and if not, determining whether to initiate the transmission of a non-synchronous event.”

As explained in Applicant’s Specification at page 8, lines 14-17, the “inventive system and method evaluate the schedule of synchronized events in relation to the present time and determine whether a non-synchronized event may be transmitted without the likelihood of a collision.” The determination “includes evaluating future time periods to see if a synchronized event is scheduled during a time period in which the non-synchronized event would continue to be transmitted for those non-synchronized events that span two or more defined time periods in length.” (Specification at p. 8:18-23).

Further, Applicant respectfully submits that in its rejection, the Office Action improperly relies upon portions of Haartsen that are limited to “non-synchronous or isochronous traffic,” and not applicable to the “non-synchronous” and “synchronous” data device and method contemplated in Applicant’s claimed invention. For example, the Office Action relied on Haartsen as “disclosing a wireless transceiver . . . comprising: memory (memory [0033] & [0089]) for storing synchronous (synchronous, [0010] & [0035]) and non-synchronous (non-synchronous, page 11, claim 14 line 3) data; and circuitry defining logic (logic, [0033])” (Office Action at pp. 2-3).

Haartsen, however, specifies in paragraph 0081 that the “discussion thus far has treated asynchronous (best-effort) and isochronous traffic applications.” Haartsen briefly discusses bringing synchronous traffic into its asynchronous throughput improvement device at paragraphs [0081] through [0086] by overriding prioritization decisions by the master. (Haartsen ¶ 0081 (“Synchronous traffic always has the highest priority.”)). This “override” is submitted as disruptive of the “dynamic adjustment of polling interval parameters” based on “instantaneous

[non-synchronous] traffic conditions.” Haartsen continues with the synchronous traffic priority override under: SCO prioritization (Haartsen ¶ 0082), SCO slot skipping (Haartsen ¶ 0083), SCO inclusion (Haartsen ¶ 0084), and “staggering” (Haartsen ¶ 0086).

Applicant respectfully submits that each and every element as set forth in Applicant’s wireless transceiver device of Claim 1 and its method of Claim 6 is not found, either expressly or inherently described, in the asynchronous throughput improvement device of Haartsen. *See* MPEP 2131 at p. 2100-73 (Rev. 2, May 2004).

Accordingly, Applicant respectfully submits that Haartsen does not anticipate Claim 1 and Claims 2 through 5 that depend directly or indirectly therefrom, or Claim 6 and Claims 7 through 17 that depend directly or indirectly therefrom, and that Claims 1-17 are allowable as written.

3. Allowable Subject Matter

Applicant notes with appreciation the allowance of Claims 18-25.

4. Conclusion

As a result of the foregoing, the Applicant asserts that Claims 1-17 are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *ksmith@texaspatents.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. Deposit Account No. 50-2126 (BP1908)

Respectfully submitted,

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